

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 246, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF STRAWBERRY FLAVOR.

On or about June 3, 1909, Warner-Jenkinson Company shipped from St. Louis, Mo., to Memphis, Tenn., a quantity of an article contained in bottles labeled "Strawberry Flavor. Artificial Color. Manufactured by Warner-Jenkinson Company, St. Louis, Mo." Samples from the above shipment were procured and analyzed in the Bureau of Chemistry, United States Department of Agriculture. As the finding of the analyst and report made indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act, said Warner-Jenkinson Company, and the party from whom the samples were procured, were afforded opportunities for hearings, and as it appeared after hearings held that the above shipment was made in violation of the aforesaid act, the Secretary of Agriculture reported the fact to the Attorney General, together with a statement of the evidence upon which to base a prosecution.

In due course, a criminal information against the said Warner-Jenkinson Company was filed in the District Court of the United States for the Eastern District of Missouri, charging that the product aforesaid was adulterated because it was not a strawberry flavor, but an imitation of strawberry flavor made from alcohol, water, ethers, and other chemicals, and that said substances were substituted wholly or in part for strawberry flavor; and further charging that the product, shipped as aforesaid, was misbranded because it was an imitation of strawberry flavor and was offered for sale under the distinctive name of another article, and that the label thereon was such as to mislead and deceive the purchaser.

The defendant on January 26, 1910, pleaded guilty to the above information and the court imposed upon it a fine of \$20 and the cost of prosecution.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON.

Secretary of Agriculture.

WASHINGTON, D. C., *February 28, 1910.*

